

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

NOV 07 2018

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

JORDAN MARKS, individually and on
behalf of all others similarly situated,

Plaintiff-Appellant,

v.

CRUNCH SAN DIEGO, LLC,

Defendant-Appellee.

No. 14-56834

D.C. No.

3:14-cv-00348-BAS-BLM

Southern District of California,
San Diego

ORDER

Before: CALLAHAN, BEA, and IKUTA, Circuit Judges.

Appellee's Unopposed Motion to Stay the Issuance of the Mandate Pending Filing of a Petition for a Writ of Certiorari is GRANTED. Pursuant to Fed. R. App. P. 41(d)(2), the mandate in the case is stayed until February 4, 2019, to permit appellee to file a petition for writ of certiorari in the Supreme Court. Should the Supreme Court grant certiorari, the mandate will be stayed pending its disposition of the case. Should the Supreme Court deny certiorari, the mandate will issue immediately. The parties shall advise this court immediately upon the Supreme Court's decision.